

REMARKS

This response is submitted in response to the Examiner's restriction requirement mailed July 14, 2006.

In the July 14, 2006 restriction requirement the Examiner issued a restriction requirement, under 35 U.S.C. § 121, to elect one group of claims for examination. The claims were restricted as follows:

- Group I: claims 22-37, drawn to a spinal cord medical lead, classified in class 607, subclass 117; and
- Group II: claims 38-47 drawn to a medical lead, classified in class 607, subclass 116.

Although Applicant does not necessarily agree with or acquiesce to the statements made in the July 14, 2006 restriction requirement, **Applicant elects group I, claims 22-37** without traverse.

However, Applicant also asserts that newly amended claim 38 and those claims dependent thereon (claims 39-47) should be examined with the Group I claims, claims 22-37.

The Restriction Requirement stated that according to MPEP § 806.05(c), inventions with a relationship of combination (Group II) and subcombination (Group I) are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. The Office Action specifically stated then, that the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require all the electrodes to be configured to provide electrical stimulation to the sacral nerves. Claim 38 was amended herein and now recites that the coil electrode, the first ring electrode, the second ring electrode, and the third ring electrode are all configured to provide electrical stimulation to the one or more sacral nerves of a human patient. Therefore, the combination as claimed in amended claim 38, now requires the particulars of the subcombination and therefore the two sets of claims are no longer distinct according to

MPEP § 806.05(c), because MPEP § 806.05(c) requires that both criteria be met. Therefore, Applicant respectfully requests that claims 38-47 be examined along with claims 22-37.

The Examiner is requested to contact the undersigned by telephone at 651.259.6702 or by e-mail at anelson@cnwiplaw.com with any questions or comments.

Respectfully Submitted,

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